

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**FRANCIS SCHRAM,
LUCILLE ERISMAN, and
DONALD BROWN,**

Defendants.

8:05CR220

ORDER

This matter is before the court on the motions for an extension of time by defendant Francis Schram (Schram) (Filing No. 17) and defendant Lucille Erisman (Erisman) (Filing No. 18) . The defendants seek an extension of time of thirty days in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 12) and for a continuance of the trial setting. Defense counsel represents to the court that counsel for the government has no objection to the extension. The defendants have submitted affidavits in accordance with paragraph 9 of the progression order whereby they consent to the motion and acknowledge they understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Schram's motion for an extension of time (Filing No. 17) and defendant Erisman's motion for an extension of time (Filing No. 18) are granted. **All** defendants are given until **on or before July 29, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 12). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 29, 2005 and July 29, 2005**, shall be deemed **excludable** time in any

computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The tentative setting of an evidentiary hearing for 9:00 a.m. on July 14, 2005, is **canceled** and will be re-scheduled in the event any pretrial motions are filed in accordance with this order.

3. The trial setting of August 1, 2005, is **canceled** and will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline set forth above.

DATED this 29th day of June, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge